

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Antonio Rivera and Sharon Lopez,

AMENDED
SUMMONS IN A CIVIL ACTION

V.

City of New York, et al.

CASE NUMBER: 07 CV 8061 (DLC)

TO: (Name and address of Defendant)

Police Officer Walter Ostermeir (Shield No. 21701)
c/o NYPD, 44th Precinct
2 East 169th Street
Bronx, New York 10454

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

LEVENTHAL & KLEIN, LLP.
45 MAIN STREET, SUITE 230
BROOKLYN, NEW YORK 11201

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

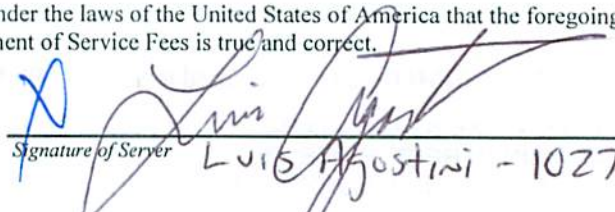
APR 18 2008

CLERK

DATE

(By) DEPUTY CLERK

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RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>May 13, 2008 at 9:39am</u>	
NAME OF SERVER (PRINT) <u>Luis Agostini</u>	TITLE <u>Process Server</u>	
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served: <u>c/o NYPD, 44th Precinct</u> <u>2 East 169th Street</u> <u>Bronx NY 10454</u>		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input checked="" type="checkbox"/> Other (specify): <u>served upon P.O. Frías #4054, co-worker of the defendant.</u> <u>M, W, Blk, 37, 5'8, 190, glasses</u>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on <u>May 15, 2008</u> <div style="text-align: center;">Date </div>	<div style="text-align: center;">  Signature of Server <u>Luis Agostini - 1027732</u> </div> <div style="text-align: center;"> <u>365 Ford Street Bronx NY 10457</u> Address of Server </div>	

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.